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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBIN M. LEE, et al.,

Plaintiffs,

v.

TELECHECK CORP.,

Defendant.

2:12-CV-705 JCM (GWF)

**ORDER**

15 Presently before the court is *pro se* plaintiffs' motion for default judgment against defendant  
16 TeleCheck Services, Inc. (Doc. # 26). Defendant has filed a response in opposition. (Doc. # 27).  
17 This is plaintiffs' fourth motion seeking a default judgment against the defendant. The court has  
18 previously denied each of plaintiffs' prior motions for default judgment and, in its last order, warned  
19 plaintiffs that filing another frivolous motion would result in sanctions. (*See* doc. # 24).

20 **I. Background**

21 On April 27, 2012, plaintiffs filed a complaint against TeleCheck, alleging improper  
22 collection tactics. (Doc. # 1). Plaintiffs served TeleCheck on May 2, 2012. (Doc. # 4). TeleCheck  
23 filed a timely motion to dismiss for failure to state a claim on May 22, 2012. (Doc. # 5). On some  
24 date between May 22, 2012, and June 12, 2012, TeleCheck received an undated document that  
25 purported to be a response by plaintiffs. The plaintiffs never filed this document with the court. On  
26 June 12, 2012, TeleCheck filed a reply (doc. #11) to plaintiffs' undated and unfiled response.  
27 TeleCheck included plaintiffs' alleged response in its reply as exhibit A. (Doc. #11, Ex. A).  
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1 Although plaintiffs submitted an alleged response to TeleCheck, plaintiffs failed to file a  
2 timely response with the court.<sup>1</sup> Accordingly, the court granted TeleCheck's motion to dismiss on  
3 June 12, 2012, pursuant to local rule 7-2(d). (Doc. #12). Additionally, in its order, the court stated:

4 Even if this court were to take notice of the opposition, it notes that the opposition  
5 contains no memorandum of points and authorities or citation to any legal case that  
6 supports denying the motion to dismiss. Rather, the opposition is incoherent and  
7 barely legible. Furthermore it is not apparent which plaintiff prepared the opposition  
8 (assuming the plaintiffs are each proceeding pro se). It appears, however, that one  
9 pro se plaintiff prepared the opposition on behalf of all plaintiffs. A plaintiff acting  
10 pro se cannot represent others. *See Johns v. Co. of San Diego*, 114 F.3d 874, 876  
11 (9th Cir. 1997) ("While a non-attorney may appear pro se on his own behalf, he has  
12 no authority to appear as an attorney for other than himself.").

13 (Doc. # 12). The clerk entered judgment in favor of TeleCheck and against plaintiffs on June 12,  
14 2012. (Doc. #13).

15 Despite the entry of judgment in favor of TeleCheck, plaintiffs filed a "Motion for Order of  
16 Deserved Default Judgement [sic]" on June 20, 2012. (Doc. # 14). TeleCheck filed its opposition  
17 to that motion. (Doc. # 15). The court denied plaintiffs' motion for default judgment because it had  
18 previously resolved this matter in favor of TeleCheck; therefore, the motion was "without merit."  
19 (Doc. # 17).

20 Plaintiffs then filed a motion for this court to reconsider its grant of defendant's motion to  
21 dismiss. (Doc. # 16). TeleCheck responded to the motion. (Doc. # 18). The court denied the  
22 motion for reconsideration for failure to provide an appropriate ground for reconsideration. (Doc.  
23 # 19).

24 Plaintiffs then filed a third motion for default judgment. (Doc. # 22). Defendant filed a  
25 response in opposition to that motion. (Doc. # 23). The court again denied plaintiffs' motion and  
26 warned that submitting another frivolous motion would result in sanctions. (*See* order, doc. # 24).

27 Plaintiffs, undeterred, have filed the instant motion seeking default judgment in a case that  
28 has already been closed and judgment entered against them.

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<sup>1</sup> Oppositions to motions must be filed with the court within 14 days of service of the motion. LR 7-2(b).

1 **II. Legal Standard**

2 *A. Default Judgment*

3 Default judgment is appropriate “when a party against whom a judgment for affirmative relief  
4 is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise.  
5 . . .” Fed.R.Civ.P. 55.

6 *B. Motion for Reconsideration*

7 Motions for reconsideration “should not be granted, absent highly unusual circumstances.”  
8 *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). “Reconsideration is  
9 appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear  
10 error or the initial decision was manifestly unjust, or (3) if there is an intervening change in  
11 controlling law.” *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *Kona*, 229  
12 F.3d at 889-90 (listing same three factors).

13 **III. Discussion**

14 These plaintiffs should be well familiar with both of the legal standards in section II *supra*.  
15 This court has already denied a motion to reconsider by plaintiffs. (Doc. # 19). Plaintiffs cannot  
16 keep filing motions seeking the same relief, but titling the motions something different.

17 This court has also denied two motions for default judgment filed by these plaintiffs. (Docs.  
18 ## 17, 24). Additionally, in case number 2:12-cv-884-JCM, this court has denied four frivolous  
19 motions for default judgment filed by Robin M. Lee—the named plaintiff in this lawsuit. Plaintiff  
20 Lee is well aware that this motion is frivolous as either a motion for default judgment or as a motion  
21 to reconsider.

22 This motion, like plaintiffs’ other motions in this lawsuit, is incoherent and barely legible.  
23 None of plaintiffs’ motions offer any legal authority or arguments in support of their position. Yet,  
24 the defendant has been required to respond to these motions, incurring the associated expenses in  
25 doing so.

26 The court finds that the instant motion is frivolous. As was warned in the court’s last order,  
27 sanctions would be imposed if plaintiffs filed another frivolous motion. The court finds it  
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1 appropriate to require plaintiffs to obtain leave from the court before submitting any further motions.  
2 Any motions filed without first obtaining the court's approval will not be considered.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion for  
5 default judgment (doc. # 26) be, and the same hereby is, DENIED.

6 IT IS FURTHER ORDERED that plaintiffs must seek leave from the court before filing any  
7 further motions in this case.

8 IT IS FURTHER ORDERED that defendant TeleCheck is not required to submit any  
9 response or objection to any future motions filed in this case unless directed to do so by the court.

10 DATED October 4, 2013.

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13 **UNITED STATES DISTRICT JUDGE**  
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